

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SPENCER CARTER, JR.

Petitioner,

NO. CV-09-5023-JPH

vs.

STEVE SINCLAIR,

Respondent.

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND DISMISSING  
PETITION

Magistrate Judge Hutton filed a Report and Recommendation on June 12, 2009, recommending Mr. Carter's habeas corpus petition be dismissed without prejudice. There being no objections, the court **ADOPTS** the Report and Recommendation (Ct. Rec. 8). The Petition is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order, enter judgment, forward copies to Petitioner and close the file.

**DATED** this 8<sup>th</sup> day of July 2009.

S/ *Robert H. Whaley*  
ROBERT H. WHALEY  
CHIEF UNITED STATES DISTRICT JUDGE

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ORDER DISMISSING PETITION -- 1